

FIRST REGULAR SESSION

HOUSE BILL NO. 860

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HILGEMANN, KENNEDY, BOYKINS, GAMBARO,
COLEMAN, JOHNSON (61) (Co-sponsors) AND CRAWFORD.

Read 1st time February 22, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1047L.011

AN ACT

To repeal section 167.031, RSMo 2000, relating to compulsory age for school attendance, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 167.031, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 167.031, to read as follows:

167.031. 1. Every parent, guardian or other person in this state having charge, control or custody of a child not enrolled in a public, private, parochial, parish school or full-time equivalent attendance in a combination of such schools and between the ages of seven and sixteen years is responsible for enrolling the child in a program of academic instruction which complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a child between the ages of five and seven years in a public school program of academic instruction shall cause such child to attend the academic program on a regular basis, according to this section. Nonattendance by such child shall cause such parent, guardian or other responsible person to be in violation of the provisions of section 167.061, except as provided by this section. A parent, guardian or other person in this state having charge, control, or custody of a child between the ages of seven and sixteen years of age shall cause the child to attend regularly some public, private, parochial, parish, home school or a combination of such schools not less than the entire school term of the school which the child attends; except that

(1) A child who, to the satisfaction of the superintendent of public schools of the district in which he **or she** resides, or if there is no superintendent then the chief school officer, is determined to be mentally or physically incapacitated may be excused from attendance at school

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 for the full time required, or any part thereof;

18 (2) A child between fourteen and sixteen years of age may be excused from attendance
19 at school for the full time required, or any part thereof, by the superintendent of public schools
20 of the district, or if there is none then by a court of competent jurisdiction, when legal
21 employment has been obtained by the child and found to be desirable, and after the parents or
22 guardian of the child have been advised of the pending action; or

23 (3) A child between five and seven years of age shall be excused from attendance at
24 school if a parent, guardian or other person having charge, control or custody of the child makes
25 a written request that the child be dropped from the school's rolls.

26 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
27 incorporated or unincorporated, that:

28 (a) Has as its primary purpose the provision of private or religious-based instruction;

29 (b) Enrolls pupils between the ages of seven and sixteen years, of which no more than
30 four are unrelated by affinity or consanguinity in the third degree; and

31 (c) Does not charge or receive consideration in the form of tuition, fees, or other
32 remuneration in a genuine and fair exchange for provision of instruction;

33 (2) As evidence that a child is receiving regular instruction, the parent shall:

34 (a) Maintain the following records:

35 a. A plan book, diary, or other written record indicating subjects taught and activities
36 engaged in; and

37 b. A portfolio of samples of the child's academic work; and

38 c. A record of evaluations of the child's academic progress; or

39 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

40 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
41 will be in reading, language arts, mathematics, social studies and science or academic courses
42 that are related to the aforementioned subject areas and consonant with the pupil's age and
43 ability. At least four hundred of the six hundred hours shall occur at the regular home school
44 location.

45 3. Nothing in this section shall require a private, parochial, parish or home school to
46 include in its curriculum any concept, topic, or practice in conflict with the school's religious
47 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
48 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
49 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
50 regulation or other device any statewide curriculum for private, parochial, parish or home
51 schools.

52 4. A school year begins on the first day of July and ends on the thirtieth day of June

53 following.

54 5. The production by a parent of a daily log showing that a home school has a course of
55 instruction which satisfies the requirements of this section shall be a defense to any prosecution
56 [under] **pursuant to** this section and to any charge or action for educational neglect brought
57 pursuant to chapter 210, RSMo.

58 **6. Any school district in this state may, by a majority vote of its school board,**
59 **increase the mandatory age of attendance in such district to seventeen years of age;**
60 **provided, however, that the mandatory enrollment provisions and penalties of subsection**
61 **1 of this section, or any other provision of law, shall not be applied against parents,**
62 **guardians or other persons having charge, custody or control of children between the ages**
63 **of sixteen and seventeen.**